

REMARKS

By the foregoing Preliminary Amendment, Claims 24-28 are cancelled and Claims 29, 33 and 35 are amended. Entry of the Preliminary Amendment, and favorable consideration thereof is earnestly requested.

The Examiner has required a restriction to one of the following inventions under 35 U.S.C. 121: Group I (Claims 1-23) drawn to an apparatus for positioning back-up pins on a support plate; Group II (Claims 24-28) drawn to a back-up pin; and Group III (Claims 29-35) drawn to a method of positioning back-up pins.

Applicants elect hereby Group I (Claims 1-23) along with Group III (Claims 29-35) for prosecution in this application, with traverse as reasoned herein below.

With regard to Group I and Group II, the Examiner has pointed out that Group I and Group II are related as combination and subcombination, that are distinct under the provisions of MPEP § 806.05(c). In view of this requirement, non-elected Claims 24-28 have been canceled without prejudice by the foregoing Preliminary Amendment.

With regard to Group I and Group III, the Examiner has pointed out that Group I and Group III are related as process and product for its practice. The Examiner has further states that "The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process (MPEP § 806.05(e))."

By the foregoing Preliminary Amendment, independent claim 29 of Group III has been amended in a manner to include all the limitations of the apparatus as claimed in Claim 16. In particular, the method claimed in Claim 29 as amended requires the step of

providing the apparatus as claimed in Claim 16, in which step the elements of such apparatus (of Claim 16) be interrelated with subsequent steps of the method as claimed in Claim 29, such as the scanning, displaying, allocating, and transferring and positioning steps as particularly recited in Claim 29 as amended. Therefore, Applicants respectfully submit that the process as claimed in Group III cannot be practiced by another materially different apparatus or by hand, and that the apparatus as claimed cannot be used to practice another and materially different process. Accordingly, Applicants submit that Group III (Claims 29-35) is not distinct from Group I (Claims 1-23) under the provisions of MPEP § 806.05(e), and thus these two groups (i.e., Groups I and III) should be examined together in this application.

Moreover, Applicants further submit that the apparatus claims and the method claims are so intimately tied together that it makes no sense to require them to be separated. Substantially no additional work would be required of the Examiner, and no additional searching would be required.

For the foregoing reasons Applicants respectfully request that all pending claims of Group I and III (i.e., Claims 1-23 and 29-35) be examined in this application. In case the Examiner does not agree with this Election with traverse, the Examiner is earnestly solicited to contact the attorneys below listed.

Respectfully submitted,

November 28, 2005

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